

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

V.

DAVID LEE FRY,

Defendants.

3:16-cr-00051-BR-13

ORDER

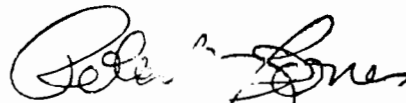
JONES, District Judge,

This matter came before the court for hearing on defendant David Lee Fry's Motion to Reopen Detention Hearing [# 751] pursuant to 18 U.S.C. § 3142(f). Defendant appeared with counsel and presented new information that, in his view, justified revisiting his pretrial detention. First, he correctly noted that the court has dismissed Count 3 of the Indictment and that he is no longer charged with a crime of violence. As a result of the dismissal, the rebuttable presumption under 18 U.S.C. § 3142(e)(3)(B) no longer applies. Second, defendant indicated that he is no longer subject to a term of probation in Ohio. Third, defendant noted that plea agreements of codefendants suggest that his potential sentence if convicted may be exceeded by his pretrial detention. Fourth, he states that codefendants with equally as serious conduct have been released.

I find that this new information and defendant's argument do not overcome the findings and reasoning in Judge Beckerman's order of March 4, 2016 [# 241], in my earlier rulings [## 364 and 414], in my findings during the present hearing, and in the Pre Trial Services's strong recommendation to continue detention. As noted previously in those findings, defendant Fry left Ohio without permission while on probation which demonstrates an unwillingness or inability to comply with release conditions. The record also reflects that defendant Fry has threatened "suicide by cop" and exhibited volatility and unpredictability making him a risk of danger to himself and others when under stress. Accordingly, I find by clear and convincing evidence that no conditions of release will reasonably assure defendant Fry's appearance at trial or the safety of the community. Accordingly, defendant's motion [# 751] is DENIED.

IT IS SO ORDERED.

DATED this 15th day of July, 2016.

A handwritten signature in black ink, appearing to read "Robert E. Jones", written over a horizontal line.

Robert E. Jones
United States District Judge